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SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

ORDINANCE NO. 0-14-01

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 8 ACRES LOCATED ON HOPEFUL ROAD, ADJACENT TO THE CITY LIMITS. (LUEBBERS PROPERTY)

WHEREAS, Gloria Luebbbers, being the owner of record of the hereinafter described territory (the "territory"), has requested that the City of Florence, Kentucky (the "City") annex the territory and, pursuant to K.R.S. 81A.412, the owner has given written consent to such annexation; and

WHEREAS, the City has determined that it is desirable to annex the territory which is contiguous to the boundaries of the City, and

WHEREAS, pursuant to K.R.S. 100.209(1) the City makes the election that after annexation the territory shall remain subject to the same land use restrictions as applied to it prior to annexation until such restrictions are changed in accordance with K.R.S. Chapter 100.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

The City finds that the hereinafter described unincorporated territory meets the requirements of K.R.S. 81A.410 and is as follows:

- (a.) Is contiguous to the boundaries of the City, and
- (b.) Is urban in character and suitable for development for urban purposes without unreasonable delay, and
- (c.) Is not included within the boundary of another incorporated city.

SECTION II

That the territory, described in Exhibit "A" and shown on Exhibit "B" each of which is attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Florence, Kentucky.

SECTION III

The owner of record of the territory has filed with the City written consent to this annexation under K.R.S. 81A.412 and therefore, the following do not apply to this annexation: (a) the notification ordinance required by K.R.S. 81A. 420(1); (b) the notice requirement of K.R.S. 81A.425; and (c) the waiting period of K.R.S. 81A.420(2).

SECTION IV

Pursuant to K.R.S. 100.209(1) the territory shall, after annexation, remain subject to the same land use restrictions as applied to it prior to annexation, until those restrictions are changed in accordance with K.R.S. Chapter 100.

SECTION V

This ordinance shall be published in full.

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF August, 2001.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF August, 2001.

APPROVED:

Deane F. Whole
MAYOR

ATTEST:

Betsy R. Conrad
CITY CLERK

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-14-01

as same appears in the official records of my office.

Dated this 30th day of August, 2001,

Betsy R. Conrad
Betsy R. Conrad, City Clerk

LEGAL DESCRIPTION

Group No. 2039

Located generally on the west side of Ky. Highway #1018 (Hopeful Road), in the city of Hopeful Heights and described particularly thus: BEGINNING at a point in the west line of said highway #1018 (20 feet from centerline) said point being 20 feet south as measured along said line from the southeast corner therein of Lot #7 of the Windy Acres Subdivision (see Plat Book #4, at page 20); thence S 86-56-30 W 145.0 feet; thence passing the southwest corner of said Lot #7 at 20 feet and running with the west line of the Windy Acres Subdivision, N 3-3-30 W 370.0 feet; thence N 86-56-30 E 145.0 feet to the west line of Ky. Route 1018; thence therewith N 3-3-30 W 50.0 feet; thence with lines of said Windy Acres Subdivision S 86-56-30 W 145.0 feet, N 3-3-30 W 231.21 feet to a point in the north line of the original Loftin 14 acres tract; thence therewith N 60-29 W 405.4 feet to a corner thereof; thence with the west line of said tract S 2-57 E 1165.2 feet to a point therein a corner with a parcel conveyed out of said tract; thence with lines of 3 outconveyances S 40-6 E 117.0 feet, N 49-54 E 90 feet, S 40-6 E 185.0 feet to a point in the west right of way line of Ky. Route 1018; thence therewith N 49-54 E 128.54 feet, N 47-38 E 137.89 feet, N 13-4 E 90.48 feet, N 3-3-30 W 230.15 feet to the place of beginning containing 10.45 acres.

The above boundary comprises the remainder of a tract of 14 acres of land more or less conveyed to W.G. Loftin et al. by deed recorded in D.B. 80, P. 552 of the Boone County Clerk's Records after 12 outconveyances have been excluded.

Being the same property conveyed to Beatrice Stewart by deed from Willard L. Schultz and Dorothy L. Schultz, husband and wife, dated December 6, 1984, and recorded in Deed Book 324, Page 216 of the Boone County Clerk's Records at Burlington, Kentucky.

Beatrice Stewart died intestate a resident of Hamilton County, Ohio, on December 26, 1998. Gloria S. Luebbers is Beatrice Stewart's sole heir at law. See an affidavit of descent filed in Misc. Book 846, Page 383, of the Boone County Clerk's Records.

EXCEPTIONS

There is excepted from the foregoing property the following conveyance to the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, dated August 7, 1995, and recorded in Highway Deed Book 17, Page 271, of the Boone County Clerk's Records at Burlington, Kentucky:

PARCEL NO. 86

Group No. 2039

A tract of land lying in Boone County, Kentucky, on the left side of Hopeful Road approximately 360 feet North of Pheasant Drive, and being more particularly described as follows:

EXHIBIT "A"

Beginning at a point in the proposed right of way line 32.00 feet right of Hopeful Road station 209+50.23; thence with the South 52 deg. 22' 08" W, 13.69 feet to a point 21.38 feet right of station 209+41.79; thence with the South property line and crossing centerline at station 209+68.26, N 37 deg. 37' 52" W, 130.21 feet to a point in the West property line 56.82 feet left of station 210+46.47 said point being the southwest corner; thence with the West property line N 2 deg. 10' 09" W, 1,150.74 feet to a point in the North property line said point being the northwest property corner 56.71 feet left of station 221+97.21; thence with the North property line and crossing centerline at station 221+60.92, S 59 deg. 33' 45" E, 105.31 feet to a point in the proposed right of way line 32.00 feet right of station 221+40.44; thence with the proposed right of way line S 2 deg. 10' 29" E, 1,121.12 feet to a point 32.00 feet right of station 210+19.33; thence with the proposed right of way line 71.03 feet along an arc to the right, having a radius of 1,177.92 feet, the chord of which is S 0 deg. 26' 53" E, 71.02 feet to the point of beginning.

The property described above contains 2.409 acres.

It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.

PARCEL NO. 86A

Also, the following parcel of land lying East of the above described Parcel No. 86 on the right side of the centerline of said proposed Hopeful Road, and being more particularly described as follows:

Beginning at a point in the proposed right of way line 32.00 feet right of Hopeful Road station 209+90.00; thence with the proposed right of way line 30.15 feet along an arc to the left, having a radius of 1177.92 feet, the chord of which is N 1 deg. 26' 29" W, 30.15 feet to a point 32.00 feet right of station 210+19.33; thence with the proposed right of way line N 2 deg. 10' 29" W, 790.67 feet to a point 32.00 feet right of station 218+10.00; thence with the easement line N 87 deg. 49' 31" E, 23.00 feet to a point 55.00 feet right of station 218+10.00; thence with the easement line S 0 deg. 41' 16" W, 260.32 feet to a point 42.00 feet right of station 215+50.00; thence with the easement line S 2 deg. 10' 29" E, 561.08 feet to a point 42.39 feet right of station 209+90.00; thence with the easement line S 89 deg. 17' 32" W, 10.39 feet to the point of beginning.

The property described above contains 9,903 square feet.

It is the specific intention of the party of the first part herein to convey a permanent easement to the property described above and designated as Parcel No. 86A for the purpose of constructing and maintaining storm sewers and drop boxes.

PARCEL NO. 86B

Also, the following parcel of land lying East of the above described Parcel No. 86A on the right side of the centerline of said proposed Hopeful Road, and being more particularly

described as follows:

Beginning at a point in the proposed right of way line 32.00 feet right of Hopeful Road station 221+03.00; thence with the proposed right of way line N 2 deg. 10' 29" W, 37.45 feet to a point in the North property line 32.00 feet right of station 221+40.44; thence with the North property line S 59 deg. 33' 44" E, 45.11 feet to a point in the easement line 70.00 feet right of station 221+16.13; thence with the easement line S 3 deg. 10' 29" E, 22.13 feet to a point 70.00 feet right of station 220+94; thence with the easement line N 8 deg. 51' 01" W, 39.05 feet to the point of beginning.

The property described above contains 1,132 square feet.

It is the specific intention of the party of the first part herein to convey a permanent easement to the property described above and designated as Parcel No. 86B for the purpose of constructing and maintaining a 36" pipe.

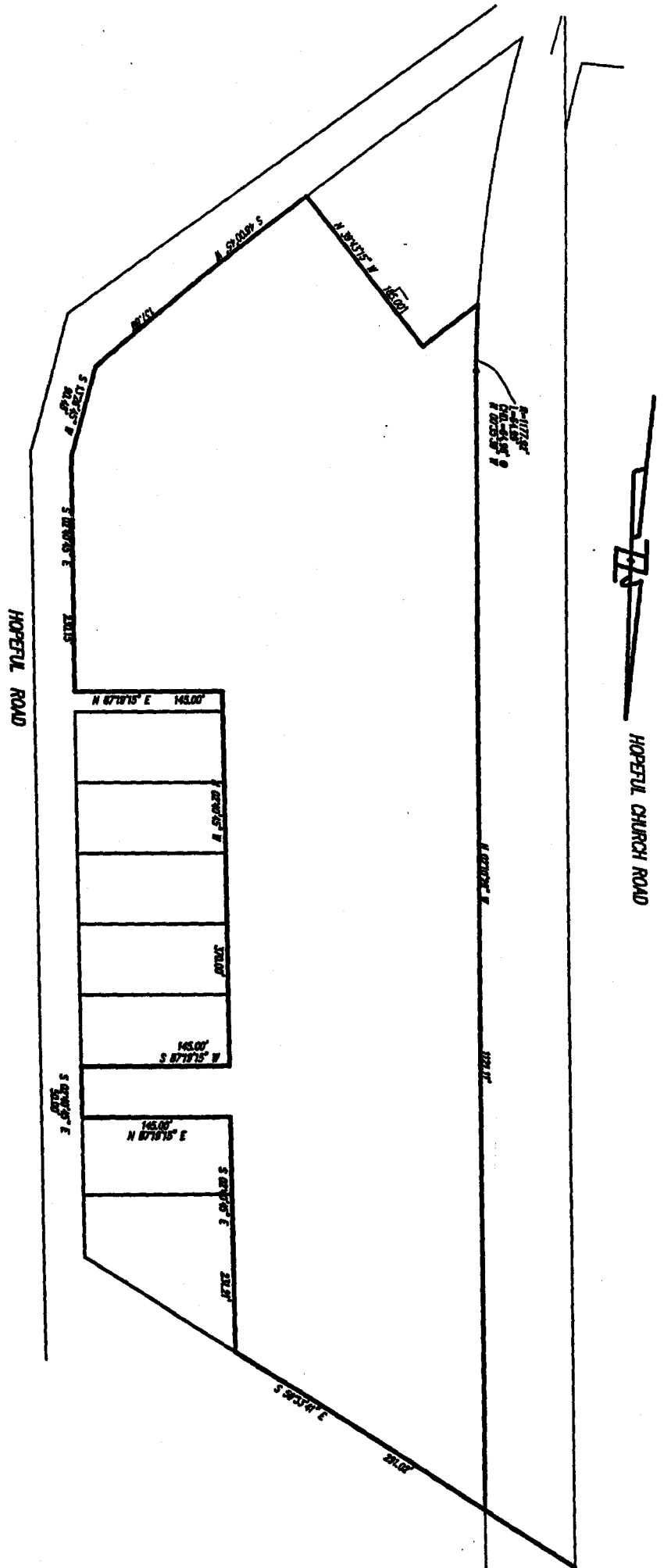


EXHIBIT "B"